

Subject: Re: FCC FOIA No. 2012-203

Date: Sunday, March 18, 2012 11:09:23 AM PT

From: Warren Havens <warren.havens@sbcglobal.net>

To: William Hupprich <HUPPRICHW@akrr.com>

CC: Joyce Jones <Joyce.Jones@fcc.gov>, Roger Noel <Roger.Noel@fcc.gov>, Patricia Quartey <Patricia.Quartey@fcc.gov>, michele.farquhar@hoganlovells.com <michele.farquhar@hoganlovells.com>, gcranor@meteorcomm.com <gcranor@meteorcomm.com>, mkohler@avec.org <mkohler@avec.org>,

Mr. Hupprich and ARC,

Upon a short read of your letter sent below, I noticed a reference to potential for Skybridge (the FOIA requester) or other business I manage to compete with PTC220 LLC for providing your railroad spectrum. If you have a RFP now or later, with some specifics of what you are looking for and some statement of actual commitment to obtain the spectrum by lease or purchase, I will process that and respond.

But the subject Skybridge FOIA request is for broad purposes apart from the above, related to the core public interest purposes of the FCC proceeding involved. See next.

FCC and ARC,

While I am waiting for PTC220 LLC and Meteorcomm to respond (see below), I note here some reasons the FOIA requested docs, or substantial information in the docs, should be public.

PTC220 LLC- Meteorcomm were the main cause of this FCC proceeding, 11-79 and asserted that it spoke for US railroads, and that they needed spectrum reallocated *from others to railroads* under Congressional mandate, and it has to be in 217-222 MHz. (Skybridge has records obtained by other Federal and State FOIA requests to show this, beyond the sufficient showing already in the docket.)

They further assert their (approx 400 kHz) is not sufficient, but they have no showing to back that up, and its been many years after the Chatsworth accident and then the Congressional mandate in response. This is not difficult - why is it hidden from the FCC? There is virtually no data needed: low data rate radios and low data per base station and per given geographic area with tracks. Simple radio system engineering (even with old FDMA and narrow channels-- and without time coordination of the hardly-used channels at each base station) shows that only 100 kHz or so is needed.

It is "mystery wrapped in a riddle wrapped in an enigma"

- Quantity mystery. PTC220 LLC has plenty of spectrum nationwide (up to about 400 kHz, I recall) for all PTC (see above) and has not shown otherwise -- but it lobbies for a lot more.
- Urgency riddle. It is not even doing PTC itself -- but it says it has enough spectrum for its members needs, and has the tech-equipment company for PTC (and even got taxpayer money to prompt that up), and PTC must march on promptly.
- Cost enigma. It and other railroads say they cannot bear costs of spectrum for PTC, but PTC220 LLC got the spectrum to charitably help all railroads at no profit.

This is the mystery of this PTC spectrum docket, and no railroad was or is willing to disclose.

When I saw your (ARC) employee addressing to the FCC what appeared to be information that may shed light on the mystery, it appeared proper for a FOIA request.

- Also if the government (here the FCC) sought information for the purposes of this public docket (that is how I read your letter sent below), and your employee provided such information, it logically should be released under FOIA.
- A primary reason for FOIA is to make public workings of government (including exchanges with outside parties for its purposes), and that is more so in this case where railroads have represented to the FCC that their demands are under Congressional mandate.

Again, after PTC220 LLC- Meteorcomm respond, I expect to reply formally.

Thanks,
Warren Havens

From: Warren Havens <warren.havens@sbcglobal.net>
To: "michele.farquhar@hoganlovells.com" <michele.farquhar@hoganlovells.com>; "gcranor@meteorcomm.com" <gcranor@meteorcomm.com>
Cc: Joyce Jones <Joyce.Jones@fcc.gov>; William Hupprich <HUPPRICHW@akrr.com>; "mkohler@avec.org" <mkohler@avec.org>; Patricia Quartey <Patricia.Quartey@fcc.gov>; Roger Noel <Roger.Noel@fcc.gov>; "jstobaugh@telesaurus.com" <jstobaugh@telesaurus.com>
Sent: Friday, March 16, 2012 8:47 PM
Subject: Re: FCC FOIA No. 2012-203

PTC 220 LLC (counsel) and Meteorcomm,

Will there be any response from PTC 220 LLC (and its owned company, Meteorcomm LLC)?

Please let me know then Skybridge can calendar its reply.

Thank you,

Warren Havens
President, Skybridge Spectrum Foudation

From: William Hupprich <HUPPRICHW@akrr.com>
To: Joyce Jones <Joyce.Jones@fcc.gov>
Cc: mkohler@avec.org; Patricia Quartey <Patricia.Quartey@fcc.gov>; Roger Noel <Roger.Noel@fcc.gov>; michele.farquhar@hoganlovells.com; gcranor@meteorcomm.com; warren.havens@sbcglobal.net; jstobaugh@telesaurus.com
Sent: Friday, March 16, 2012 3:32 PM
Subject: Re: FCC FOIA No. 2012-203

Ms. Jones, attached please find the Alaska Railroad Corporation's Opposition to the Disclosure of Documents requested in the above referenced FOIA request. Please feel free to contact me if you have any questions or comments concerning the Opposition or if you need any further from us to prevent the disclosure of the documents sought in this matter.

Best regards,

William R. Hupprich
Vice President & General Counsel
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